

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-25 are pending; and no claims are amended, newly added, or canceled herewith.

In the outstanding Office Action, Claims 1-25 were rejected under 35 U.S.C. §103(a) as unpatentable over Kato et al. (U.S. Patent No. 6,301,663, herein Kato) in view of Ohba (U.S. Patent No. 5,668,945) and in further view of Kaplan ("IBM Cryptolopes, Superdistribution and Digital Writes Management", hereinafter "Kaplan").

Turning now to the rejection under 35 U.S.C. § 103(a), Applicants respectfully traverse the rejection of Claims 1-25 over Kato, Ohba and Kaplan.

Claim 1 is directed to a data recording method for recording digital data to a recording medium. Among other steps, Claim 1 includes (1) generating independent write identification information for each recording operation of the digital data, and (2) encrypting write identification information by use of a recording medium ID. Claim 1 also includes a step of recording at least the encrypted data identification information and the data control information to the recording medium.

The outstanding Office Action acknowledges on page 3 in the second and fourth full paragraphs that neither of the cited Kato or Ohba patents discloses generating independent write information for each recording operation of the digital data. However, the outstanding Office Action relies on Kaplan as curing the above-noted deficiencies in Kato and Ohba.

Kaplan describes digital fingerprinting and watermarking techniques used for adding identifying information to documents. Further, Kaplan describes that a watermark is a readily detectable banner printed on a document (such as an image). In contrast, Kaplan states that a fingerprint is a subtle mark or variation not apparent to a user and will stay with the

document even after it is copied. Kaplan also states that fingerprints and watermarks are used to identify the source of the document.

Additionally, Kaplan describes the SuperDistribution of Cryptolopes system in which a fingerprint or a watermark is applied to a document as it is decrypted before it is presented to the user.

In contrast, Claim 1 recites generating, for each recording operation of the digital data, independent write identification information.

In other words, Kaplan describes fingerprinting or watermarking a document when it is created to identify the source of the document. Further, Kaplan describes that, when the user "buys" a document, a new fingerprint or watermark is added to the document as it is decrypted to identify the purchaser. In contrast, Claim 1 recites a method in which every time a recording operation of the digital data is performed new independent write identification information is generated.

In a non-limiting example, as described on page 15 of the present specification, the independent write identification information can be used to prevent copying of data on a disk. In this non-limiting example, illustrated in Fig. 3, data is written to disk 30\_0. When the data is recorded to disk 30\_0 a first independent write identification information is generated. The data is then encrypted using the first independent write identification information. The disk 30\_0 is then read and the data copied to disk 30\_2. When the copied data is recorded to disk 30\_2, a second independent write identification information is generated. The data is then read and unencrypted in 100\_3 using the second independent write identification information. However, the data is still encrypted by the first independent write identification information and thus the data is unusable.

Therefore even if Kaplan describes that a document is fingerprinted when it is purchased and decrypted, Kaplan does not describe that a document is given a new

fingerprint every time the data is transferred by a new recording operation. Thus, Kaplan does not describe or suggest generating independent write identification information for each recording operation of the digital data.

Therefore, no matter how Kato, Ohba and Kaplan are combined (if it makes any sense to combine them at all), the combination does not teach or suggest at least the generating step of amended Claim 1. Although of differing class and/or scope, it is respectfully submitted that Claims 2-25 also patentably define over the asserted prior art for at least the reasons discussed above with regard to amended Claim 1.

Consequently, in light of the above discussion it is respectfully submitted that Claims 1-25 patentably define over the asserted prior art. A Notice of Allowance is therefore earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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**Kurt M. Berger, Ph.D.**  
**Registration No. 51,461**